

# **EXHIBIT 33**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**PLAINTIFFS' SEVENTH AMENDED NOTICE OF  
DEPOSITION OF OFFICE OF THE SECRETARY OF STATE**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs will take the deposition by oral examination of the Office of the Secretary of State as permitted by Rule 30 of the Federal Rules of Civil Procedure and applicable court orders in the above-captioned matter and as set forth in Schedule A. This deposition will take place on **Wednesday, October 12, 2022**, beginning at **9:00 a.m. Eastern Time**, and continue from day to day until completed, with the Rule 30(b)(6) representative, their counsel, and certain counsel in person at the office of Krevolin & Horst, LLC, 1201 West Peachtree Street NW, Suite 3250, Atlanta, Georgia 30309 or other location mutually agreeable to the parties, and remotely by video conference, such that other attendees and counsel may participate from a location of their choosing. The deposition shall

be taken by oral examination with written and/or sound and visual record made thereof before a court reporter or other officer authorized by law to administer oaths.

Respectfully submitted this 10th day of October, 2022.

/s/ David D. Cross

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## **SCHEDULE A**

### **DEFINITIONS**

The following words, terms, or phrases shall, for purposes of the Topics below, have the meanings specified, unless otherwise expressly stated in each request:

“All” and “each” shall be construed as all and each.

“And” as well as “or” are to be construed either disjunctively or conjunctively as necessary to bring within the scope of the Topics all information that might otherwise be construed to be outside their scope.

“Any” means each and every.

“Communication” shall mean any transmission of information by any means, including without limitation: (a) any written letter, memorandum, or other Document of any kind by mail, courier, other delivery services, telecopy, facsimile, telegraph, electronic mail, voicemail, or any other means; (b) any telephone call, whether or not such call was by chance or prearranged, formal or informal; and (c) any conversation or meeting between two or more Persons, whether or not such contact was by chance or prearranged, formal or informal.

“Concerning,” “related to” or “relating to,” and “regarding” shall mean analyzing, alluding to, concerning, considering, commenting on, consulting,

comprising, containing, contradicting, describing, dealing with, discussing, establishing, evidencing, identifying, involving, noting, recording, reporting on, related to, relating to, reflecting, referring to, regarding, stating, showing, studying, mentioning, memorializing, or pertaining to, in whole or in part.

“Document” and “documents” shall be synonymous in meaning and equal in scope to the usage of that term in Rule 34(a), and includes “tangible things” (as that term is used in Rule 34(a)(1)(b)), as well as anything that falls within the definition or meaning of “electronically stored information” (as that term is used in Rule 34(a)(1)(A)) or of “writings” or “recordings” in Federal Rule of Evidence 1001. A draft or non-identical copy of a document shall be considered a separate document within the meaning of the term “document,” as used in the Topics.

“Dominion” means Dominion Voting Systems, Inc., its predecessors, divisions, subsidiaries, affiliates, partnership and joint ventures, and all directors, officers, employees, contractors, representatives, and agents thereof, and any other person acting on its behalf or under its direction or control with respect to subject matter of these Topics.

“Including” means including without limitation.

“Person” means and includes a natural person (i.e., an individual), a group of natural persons acting as individuals, a group of individuals acting in a collegial or

concerted capacity (e.g., as a committee, a board of directors or advisors, etc.), an association, firm, corporation, joint venture, partnership, company, governmental unit or agency, and any other business, enterprise, or entity, unless otherwise limited or specified in the Topics.

“You” or “your” mean and include Secretary of State Brad Raffensperger, any of his predecessors, the divisions, departments, partnerships, and joint ventures of or subject to the control of the Office of the Secretary of State, all directors, officers, employees, contractors, consultants, representative, and agents thereof, and any other person acting on its behalf or under its direction or control with respect to subject matter of these Topics, including to the extent applicable the Georgia Technology Authority.

## **INSTRUCTIONS**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), the Office of the Secretary of State shall designate one or more of its officers, directors, managing agents, employees, or other persons to testify on its behalf about the matters set forth in the Topics set forth below. The Person(s) so designated shall be required to testify about each of those matters known or reasonably available to the Office of the Secretary of State. At least five days in advance of the date of deposition, the Office of the Secretary of State is directed to provide to counsel for Plaintiffs a

written designation of the name(s) and position(s) of the Person(s) designated to testify on each of the following topics.

### **AMENDED TOPICS**

“Current Election System” is the Dominion system currently used in Georgia, as clarified in Curling Plaintiffs’ June 30, 2021 letter regarding the 30b6 topics.

1. Any alleged event(s) known to the Secretary of State’s Office and alleged to have occurred since January 1, 2020, in which one or more individuals not authorized by Georgia state law obtained access to one or more components of Georgia's Current Election System in Coffee County or elsewhere in Georgia. For purposes of this topic, “component of Georgia’s Current Election System” shall mean the Image Cast X Prime BMD, ImageCast Precinct (ICP) and ImageCast Central (ICC) Scanning Devices, the Democracy Suite Election Management System, and related software and firmware utilized by the foregoing component parts including printers, servers, and computers utilized for tabulating election results. *See* [Doc. 628 at ¶ 67], [Doc. 627 ¶ 71]. The term “component of Georgia’s Current Election System” shall also include hardware and removable media.



For the avoidance of doubt : (i) nothing herein alters the Secretary's Office's obligations under Rule 30b6; and (ii) this topic includes, inter alia, information regarding (a) the replacement of the Coffee County EMS server and ICC (including the circumstances related to the alleged password change and any efforts by the Secretary's Office or others to access that equipment or the data on it when or after the Secretary's Office took possession of it); (b) the reported access to the Coffee County voting equipment referenced in the telephone call with Mr. Hall and Ms. Marks; (c) access to voting equipment software in Fulton County as reported by Ben Cotton in his public declaration (cited in prior filings by Plaintiffs); (d) any alleged effort known to the Secretary's Office by unauthorized individuals to obtain access to one or more components of Georgia's Current Election System in Coffee County or elsewhere in Georgia even if the Secretary's Office contends, believes, or claims to have evidence that any such effort failed; and (e) the apparent Coffee County November 2020 Cast Vote Records in json format available on the internet dated 1/17/21 per Bruce Brown's July 27, 2022 email (including their authenticity and circumstances of their disclosure).

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**CERTIFICATE OF SERVICE**

I certify that on October 10, 2022, a copy of the foregoing was served on all counsel for parties by electronic delivery of a PDF version.

/s/ David D. Cross  
David D. Cross